

REMARKS/ARGUMENTS

The Office Action mailed September 28, 2005, has been received and reviewed. Claims 1 through 26 are currently pending in the application. Claims 1 through 26 stand rejected. Applicant has amended claims 1 and 14 to overcome a rejection under 35 U.S.C. 112, and respectfully requests reconsideration of the application as amended herein. No limitation in the substance and scope of either claim has been effected by these amendments.

Double Patenting Rejection Based on U.S. Patent Application No. 10/150,902 to Lee, in view of U.S. Patent No. 6,492,737 to Imasu et al.

Claims 1 through 26 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-38 of co-pending U.S. Patent Application No. 10/150,902 to Lee, in view of U.S. Patent No. 6,492,737 to Imasu et al. Applicants respectfully note that the '902 application has now issued, as of December 13, 2005, as U.S. Patent No. 6,975,035. In order to avoid further expenses and time delay, Applicant elects to expedite the prosecution of the present application by filing a terminal disclaimer in view of U.S. Patent No. 6,975,035 to obviate the double patenting rejection in compliance with 37 CFR §1.321 (b) and (c). Applicant's filing of the terminal disclaimer should not be construed as acquiescence in the Examiner's obviousness-type double patenting rejections. Attached are the terminal disclaimer and accompanying fee.

35 U.S.C. § 112 Claim Rejections

Claims 1 through 26 stand rejected under 35 U.S.C. § 112, apparently under the second paragraph (although not specified), as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claims 1 and 14 to overcome this rejection, and respectfully requests reconsideration and withdrawal of same.

ENTRY OF AMENDMENTS

The amendments to claims 1 and 14 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application.

CONCLUSION

Claims 1 through 26 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicant's undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bradley B. Jensen", followed by a horizontal line.

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Date: December 28, 2005
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